

SCOTT GELIN (*Pro hac vice* pending)
 GREENBERG TRAURIG, LLP
 200 Park Avenue, 34th Floor
 MetLife Building
 New York, NY 10166
 Telephone: (212) 801-9200
 Facsimile: (212) 801-6400
 Email: gelins@gtlaw.com

WILLIAM J. GOINES (SBN 61290)
 KAREN ROSENTHAL (SBN 209419)
 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, CA 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 rosenhalk@gtlaw.com

Attorneys for Plaintiff
 DIANE VON FURSTENBERG STUDIO, L.P.

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DIANE VON FURSTENBERG STUDIO, L.P.,

Plaintiff,

v.

HAIHONG SUN D/B/A FASHION-INN,
 DAVID SUN D/B/A FASHION-INN JOHN
 DOES 1-15, AND XYZ CORPS. 1-15,

Defendants.

Case No. C07-05155 PVT

) APPLICATION TO CONTINUE
) CASE MANAGEMENT
) CONFERENCE AND EXTEND
) DEADLINES SET FORTH IN
) INITIAL CASE MANAGEMENT
) CONFERENCE AND ADR
) DEADLINES AND EXTEND
) DEADLINE TO ACCEPT OR
) REJECT MAGISTRATE JUDGE
) AND [PROPOSED] ORDER

1 Plaintiff Diane von Furstenberg Studio, L.P. ("Plaintiff"), by and through its counsel of
2 record, Greenberg Traurig, LLP, hereby makes application to the Court as follows.

3 1. Plaintiff's Complaint was filed on October 5, 2007. At that time, the Court issued its
4 Order Setting Initial Case Management Conference and ADR Deadlines (the "Order") setting dates for
5 (a) the filing of Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR
6 Phone conference (01/08/08), (b) the last date to file Rule 26(f) Report, complete initial disclosures or
7 state objection in Rule 26(f) Report and file Case Management Statement (01/22/08); and (c) the date
8 for Initial Case Management Conference (01/29/08), and the parties have up to and including January
9 22, 2008, within which to accept or decline the appointment of the magistrate judge initially assigned to
10 the case;

11 2. Plaintiff first attempted to personally serve Defendant Haihong Sun in the United States,
12 however learned from Defendant David Sun that she has been in China during the pendency of this case.
13 Plaintiff then provided waivers of service via electronic mail to Defendants in China. Plaintiff and
14 Defendants have since engaged in settlement discussions and expect to resolve the matter shortly.

15 3. Until one or more of the named Defendants have appeared in this proceeding, a
16 meaningful initial disclosure, stipulation to ADR, consent or declination of a magistrate judge, and a
17 Joint Case Management Statement cannot be submitted to the court,

18 WHEREFORE, Plaintiff requests:

19 1. That the Initial Case Management Conference and all deadlines attendant thereto, be
20 continued by the court for a minimum of 90 days from the presently scheduled Case Management date
21 of January 29, 2008, and

22 2. Extend the deadline to either accept or decline the appointment of a magistrate judge for
23 all purposes for a minimum of 90 days from the present deadline of January 22, 2008.

24 DATED: December 28, 2007

GREENBERG TRAURIG, LLP

25 By: /s/ Karen Rosenthal

26 Karen Rosenthal

27 Attorneys for Plaintiff

28 Diane von Furstenberg Studio, L.P.

[PROPOSED] ORDER

IT IS HEREBY ORDERED:

1. The Case Initial Case Management Conference presently scheduled for January 29, 2008 be continued to _____, 2008,

2. The last day to meet and confer re: initial disclosures, early settlement, ADR process selection and discovery plan and to file joint ADR certification or notice of need for ADR phone conference, presently scheduled for January 8, 2008, is extended to _____;

3. The last day to file Rule 26(f) Report, complete initial disclosure or state objection Rule 26(f) report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement presently scheduled for January 22, 2008 is extended to _____; and

4. The deadline to accept or decline the appointment of a magistrate judge assigned for all purposes is extended from January 22, 2008 to _____.

Dated: _____, 200____.

Hon. Patricia V. Trumbull
Magistrate Judge